

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PATRICK DRUM,

Plaintiff,

v.

HAROLD CLARKE,

Defendant.

Case No. C06-5360 RBL/KLS

ORDER DENYING PLAINTIFF'S  
MOTION FOR PLEADING  
TRANSFER

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently before the Court is Plaintiff's "motion for pleading transfer," in which Plaintiff requests the Clerk of the Court to attach questionnaires and declarations submitted in support of a previously filed motion for the appointment of counsel (Dkt. # 1) to his Amended Complaint (Dkt. # 11). The Amended Complaint was served on Defendant on September 12, 2006. (Dkt. # 14).

Plaintiff's motion must be denied. Previously filed motions and exhibits may not be transferred or substituted for another. This is particularly true as to the Amended Complaint as it has already been served upon the Defendant. However, Plaintiff is referred to Rule 10(c) of the Federal Rules of Civil Procedure which states, in pertinent part, that, "[s]tatements in a pleading may be adopted by reference in a different part of the same pleading or in an other pleading or in any motion." And, that a "copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes." Plaintiff may refer to the previously filed questionnaires and declarations in

1 later filings, but does not need to re-file them with each new motion and pleading.

2 Accordingly, plaintiff's request for pleading transfer (Dkt. # 13) is **DENIED**.

3 The Clerk is directed to send copies of this order to plaintiff and counsel for defendants.

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5 DATED this 29th day of September, 2006.

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8 Karen L. Strombom  
9 United States Magistrate Judge  
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